



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II
26 FEDERAL PLAZA
NEW YORK, NEW YORK 10278

SDMS Document



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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

February 13, 1989

William Warren, Esq.
Cohen, Shapiro, Polisher et al
Princeton Pike Corporate Center
997 Lenox Drive - Bldg. No. 3
Lawrenceville, New Jersey 08648

Re: Scientific Chemical Processing ("SCP") Site - Carlstadt, N.J.
Administrative Order Index No. II CERCLA-50114 ("the Order")

Dear Mr. Warren:

On February 1, 1989, EPA officials met with Seth Goldberg, Esq. and Sarah Beth Watson, Esq. of Steptoe & Johnson, at their request, to discuss the potential for a de minimis settlement for the aforementioned SCP Site. These attorneys informed us that a de minimis generator group was being organized and that its members would be interested in negotiating a settlement with EPA for either a partial or total cashout for liability relating to the SCP Site.

We indicated to them that EPA had no problem with the de minimis settlement concept for the SCP Site. However, EPA views at least the following as being essential prerequisites for any such settlement:

- a. Execution of the Record of Decision("ROD") for the first operable unit for the Site;
- b. Development of a reasonably accurate estimate of overall Site remediation costs; and
- c. Development of a reasonably accurate estimate of the waste quantities contributed by all parties to the Site.

Later this year, we expect a ROD to be signed for the first operable unit. At that point, the first and, hopefully, the second of these prerequisites will be met. The existing "waste in" lists which were prepared by EPA three years ago may not, however, be adequate to provide the Agency with the level of security it may wish to have before it enters a settlement with some alleged de minimis group. Nor might it provide the Agency with a sufficiently accurate overall perspective of relative

003967

contributions by all generators to the Site such that the Agency can make an informed decision based upon the best information available from all sources prior to entering such a settlement.

It is my understanding that some members of the Steering Committee and many generators would favor a de minimis settlement by some parties. It is also our understanding that the waste-in lists which EPA had prepared and which were provided to the Committee more than three years ago have since been enhanced by additional data and/or manipulation such that the Committee now possesses what might be a more accurate waste-in list for the SCP-Carlstadt Site than that which is now available to EPA.

We, therefore, request that the Steering Committee provide EPA with its most recent version of waste-in list(s) for the Site (including an explanation of any differences which may exist between the Committee waste quantities for specific generators and those indicated on the lists prepared by EPA). This will facilitate a de minimis arrangement and resolution of subsequent issues concerning the Site.

We would appreciate the views of the Committee concerning the deminimis proposal. I trust that you will appreciate the equity in this approach.

Sincerely,



James P. Rooney
Office of Regional Counsel

cc: Sarah Watson, Esq. (Steptoe & Johnson)
Seth Goldberg, Esq. (Steptoe & Johnson)
Thomas Armstrong, Esq. (General Electric Co.)

Sarah Beth Watson, Esq.
Steptoe & Johnson
Attorneys at Law
1330 Connecticut Ave., N.W.
Washington, D.C. 20036

Seth Goldberg, Esq.
Steptoe & Johnson
Attorneys at Law
1330 Connecticut Ave., N.W.
Washington, D.C. 20036

003969